

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

UNITED STATES OF AMERICA)	
)	No. 3:10-00211-1
v.)	
)	Judge Trauger
[1] BRIAN WAINSTEIN)	

MOTION TO DISMISS

The United States of America, by and through Mark H. Wildasin, Interim United States Attorney for the Middle District of Tennessee, and Assistant United States Attorney Brent A. Hannafan, hereby moves to dismiss this case with prejudice as against defendant Brian Wainstein.

The undersigned was advised on August 18, 2017, that Wainstein was shot and killed in South Africa on that date. South African authorities who have been assisting the United States with its attempt to extradite Wainstein in order to face the charges in this case have provided the United States with a certified copy of his death certificate dated September 1, 2017. Due to his death, the United States respectfully requests this Court dismiss the pending superseding indictment against him with prejudice.

The United States is still seeking the extradition of co-defendant Siobhan Hatton from Ireland. The United States has been advised by Irish authorities assisting the United States with its attempt to extradite her that they expect a ruling on whether she will be ordered extradited in October 2017. This case also remains pending as against co-defendant Firoz Patel. Wainstein's death does not affect the pendency of the charges against those two co-defendants.

Respectfully submitted,

MARK H. WILDASIN
Interim United States Attorney
Middle District of Tennessee

/s Brent A. Hannafan
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CERTIFICATE OF SERVICE

I hereby certify that on September 17, 2017, I electronically served one copy of the United States' above Motion with the Clerk of the Court by using the CM/ECF system, which will notify all defendants' counsel.

s/ **Brent A. Hannafan**
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